

REMARKS

In the Office Action dated May 12, 2005, claims 2, 4, 7-9, 13, 15-20, 22-24, 26, 28, 30-32, and 37 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,590,847 (Wang); claims 3, 21, and 38 were rejected under § 103 over Wang in view of U.S. Patent No. 5,933,781 (Willenegger); and claim 10 was rejected under § 103 over Wang in view of U.S. Patent No. 5,933,782 (Nakano).

It is noted that Wang does not qualify as prior art under 35 U.S.C. § 102(e). Section 102(e) provides that:

A person shall be entitled to a patent unless ... (e) the invention was described in -- (1) an application for patent, published under section 122(b), *by another* filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for a patent *by another* filed in the United States before the invention by the applicant for patent .... (Emphasis added).

As explained by the M.P.E.P., "by another" means that the inventive entities must be different between the application and the cited reference. See M.P.E.P. § 2136.04 (8<sup>th</sup> ed., Rev. 2), at 2100-101. The present application has the identical inventors as Wang. Therefore, Wang is not a patent by another, as required by § 102(e). Withdrawal of all rejections is therefore respectfully requested.

Allowance of the present application is requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0031US).

Respectfully submitted,

Date: \_\_\_\_\_

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